

To: Nancy Dippell, Secretary, Missouri Public Service Commission
Date: June 22, 2026

FILED
June 23, 2026
Missouri Public
Service Commission

In response Evergy's Request to have the Commission deny my motion to reclassify EC-2026-0350, dated June 22, 2026.

Evergy's fourth bulleted item cites a Commission order dated Aug 2, 2023 as it relates to EC-2024-0015. The reason for that case not being processed as a Small Formal complaint was the complainant's cite of an unknown dollar amount. Evergy's allegation of basis and cause of the classification of EC-2024-0015 are unfounded.

"... Mr. Allegri's complaint sets forth in writing his complaint sufficient to meet the minimal requirements of Section 386.390, RSMo. Commission Rule 20 CSR 4240-2.070(15) provides that any dispute involving less than \$3,000, is to proceed under the small formal complaint procedure.

Since Mr. Allegri alleged that there is no applicable amount in dispute, this complaint shall not proceed under the Commission's Small Complaint procedure."

Furthermore, the discussion of Small Formal Complaints is discussed again in a transcript related to EC-2024-0015 titled, "*Transcript - Volume 1 (Procedural Conference - Jefferson City, MO via WebEx - December 5, 2023)*". The discussion begins on Page 20 line 12 and ending on Page 24, line 9. This makes no mention of what Evergy alleges. An affinity for the convenience of WebEx hearings, in lieu of traveling to the 30-mile radius of a complainant, is apparent with Evergy's attorney stating,

"I was going to say, if there's not a -- if there's not an area available in that area (Warrensburg or Higginsville), how would the complainants feel about a Webex, if they don't want to come to Jefferson City? Or do you have a preference, Judge?"

Evergy's third bulleted item alleges expenses in litigation and easements on behalf of Evergy, I assume. Is Evergy alleging Litigation expenses on my behalf? Based upon facts, this is complete conjecture.

Additionally, Evergy is curiously claiming its construction costs on the Fayetteville Project apply to my statutory right as a Missourian to file a Small Formal Complaint. I have no doubt Evergy has or will spend upwards of \$3,000 on construction costs for the Fayetteville Project. However, I am unable to determine how the Missouri statute allows their expenses be applied to the classification of my MPSC governed Small Formal Complaint.

Evergy's fifth bulleted item asserts its opinion of the MPSC complaint process and how it affects me. I respectfully disagree with their opinion and the entire contents of that paragraph along with their implied projections and negative assertions about the Regulatory Law Judge's role and the effectiveness of the MPSC's complaint processes.

I'm simply looking for clarification from the Commission to what Evergy is doing and if their wants are aligned with the applicable CCN and the NESC.

I respectfully ask the Commission accept my complaint as filed and intended and accept my Motion to request EC-2026-0350 be classified and handled as a small formal complaint.

Bethann C Hill
Bethann C Hill

AUDIO RECORDING

IN RE:

TIMOTHY ALLEGRI

VS.

EVERGY METRO, INC. d/b/a EVERGY MISSOURI METRO and EVERGY

MISSOURI WEST, INC. d/b/a EVERGY MISSOURI WEST

FILE NO. EC-2024-0015

PROCEDURAL CONFERENCE

VOLUME I

DECEMBER 5, 2023

(Due to the quality of the recorded media, portions were unable to be transcribed and include inaudible portions. The transcript may also include misinterpreted words and/or unidentified speakers. The transcriber was not present at the time of the recording; therefore, this transcript should not be considered verbatim.)

TRANSCRIBED BY: MELISSA LANE

1 LAW JUDGE CLARK: Okay. It's now
2 2:00 o'clock, and good afternoon. Let's go on the
3 record.

4 Today's date is December 5th, 2023, and the
5 current time is 2:00 p.m. The commission is holding
6 this procedural conference via Webex.

7 I'm getting some feedback. If you're not
8 speaking, please mute yourself in the meantime. If
9 you're joining by phone, you can mute yourself by
10 pressing star 6, and you can unmute yourself when it's
11 your turn to speak or you have something to say.

12 Normally, there would be a court reporter
13 present for these. However, we have had a shortage of
14 court reporters. So what is happening is, this is
15 being recorded, and then it is going to be sent off
16 and transcribed and that transcription will be
17 posed -- or that transcription will be posted to the
18 commission's electric filing information system.

19 Now, the commission has set aside this time
20 today for a procedural conference in the case
21 captioned as Timothy Allegri, complainant, versus
22 Evergy -- it says Evergy Metro, but it's Evergy,
23 Missouri West, doing business as Evergy Missouri West,
24 respondent. And that is file number EC-2024-0015.

25 There are a number of complainants that are

1 windered -- windowed under this complaint or
2 umbrellaed under it, when they were consolidated into
3 Mr. Allegri's original complaint, and I will go
4 through that later, but for right now, I'm going to
5 ask counsel for the parties to enter their appearance
6 for the record, starting with Evergy Missouri West.

7 MR. FISCHER: Thank you, Judge. This is
8 Jim Fischer with the law firm of Fischer and Dority
9 here in Jefferson City. I also have with me on the
10 line, Roger Steiner who is in-house counsel for
11 Evergy. Our contact information is included in the
12 file. Thank you.

13 LAW JUDGE CLARK: Okay. Thank you,
14 Mr. Fisher, Mr. Steiner, on behalf of the commission
15 staff.

16 MS. SCURLOCK: Hello, Judge. Whitney
17 Scurlock on behalf of the staff, the Missouri Public
18 Service Commission. My contact information is also in
19 the file. I'm happy to provide to the court reporter
20 if necessary.

21 LAW JUDGE CLARK: Thank you, Ms. Scurlock.
22 On behalf of the Office of Public Counsel.

23 MR. POSTON: Thank you. Marc Poston for
24 the Office of Public Counsel.

25 LAW JUDGE CLARK: Thank you, Mr. Poston.

1 Is there anybody else I've missed? Any
2 other counsel here today? Hearing none, I'm going to
3 go briefly through -- I would not normally do this
4 except for that we are attempting to make some
5 decisions today in regard to a procedural schedule. I
6 am going to quickly go through the list of
7 complainants that are umbrellaed under this. If you
8 would just let me know if you're here or not, I am
9 assuming unless I'm told otherwise that the
10 complainants are self represented, so. If -- if that
11 has changed and anyone has had an attorney, I have not
12 seen any entries of appearance filed, please let me
13 know.

14 So Aaron Collett? Is Aaron Collett
15 present? Amy Wolfe?

16 TIMOTHY ALLEGRI: She's out of town with
17 her husband.

18 LAW JUDGE CLARK: Barbara Rasa? Thank you.

19 TIMOTHY ALLEGRI: Yes. Here.

20 LAW JUDGE CLARK: Bart Wyatt?

21 TIMOTHY ALLEGRI: (Inaudible) working.

22 LAW JUDGE CLARK: Bethany Hill?

23 TIMOTHY ALLEGRI: She's going to try to
24 call in, but if she hasn't said anything, she's not
25 here today.

1 LAW JUDGE CLARK: Thank you. Betty Beyers?
2 BETHANN HILL: It's Bethann, and I'm here.
3 LAW JUDGE CLARK: Thank you.
4 TIMOTHY ALLEGRI: I'm sorry.
5 LAW JUDGE CLARK: Okay. Betty Beyers?
6 BETTY BEYERS: Here.
7 LAW JUDGE CLARK: Thank you. Candace
8 Robertson?
9 CANDACE ROBERTSON: Yes.
10 LAW JUDGE CLARK: Carl Wouden?
11 TIMOTHY ALLEGRI: Aaron Collett just walked
12 in.
13 LAW JUDGE CLARK: Thank you.
14 TIMOTHY ALLEGRI: (Inaudible) say hi.
15 AARON COLLETT: Hi.
16 TIMOTHY ALLEGRI: All right. There you go.
17 LAW JUDGE CLARK: Chad Krummel?
18 TIMOTHY ALLEGRI: No.
19 LAW JUDGE CLARK: Charles Bracken?
20 CHARLES BRACKEN: Yes.
21 LAW JUDGE CLARK: Thank you. Cheryl
22 Hedden?
23 TIMOTHY ALLEGRI: She's working.
24 LAW JUDGE CLARK: Cheryl Wouden? Collett
25 Collett?

1 TIMOTHY ALLEGRI: She's not here.

2 LAW JUDGE CLARK: David Handly.

3 TIMOTHY ALLEGRI: This is Aaron. Not

4 present.

5 LAW JUDGE CLARK: David J. Berg?

6 TIMOTHY ALLEGRI: That was --

7 LAW JUDGE CLARK: David Berg.

8 TIMOTHY ALLEGRI: No. Vacation.

9 LAW JUDGE CLARK: Denise Allegri?

10 DENISE ALLEGRI: Here.

11 LAW JUDGE CLARK: Thank you. Donald Rasa?

12 DONALD RASA: Here.

13 LAW JUDGE CLARK: Dorothy Bell.

14 TIMOTHY ALLEGRI: No. She's just home.

15 LAW JUDGE CLARK: Dwayne Marsh.

16 DWAYNE MARSH: Here.

17 LAW JUDGE CLARK: Thank you. Glen Wolfe?

18 TIMOTHY ALLEGRI: Vacation.

19 LAW JUDGE CLARK: Jesse Green.

20 JESSE GREEN: Here.

21 TIMOTHY ALLEGRI: He's here. He's clear in

22 the back of the room.

23 LAW JUDGE CLARK: Thank you. Jessica

24 Krummel.

25 TIMOTHY ALLEGRI: Oh, I'm sorry. No.

1 LAW JUDGE CLARK: Thank you. Kendra
2 Butner?

3 TIMOTHY ALLEGRI: Working.

4 LAW JUDGE CLARK: Letha Boland?

5 TIMOTHY ALLEGRI: Not -- not present. Has
6 a doctor's appointment, I believe.

7 LAW JUDGE CLARK: Thank you. Marjorie
8 Dyer?

9 MARJORIE DYER: Here.

10 LAW JUDGE CLARK: Thank you. Mark Hill?

11 BETHANN HILL: That is my husband, and he
12 is at work.

13 LAW JUDGE CLARK: Thank you. Norman
14 Howard? Rhonda Berg?

15 TIMOTHY ALLEGRI: Vacation.

16 LAW JUDGE CLARK: Scott Rasa?

17 TIMOTHY ALLEGRI: At work.

18 LAW JUDGE CLARK: Stephen Robertson.

19 STEPHEN ROBERTSON: Here.

20 LAW JUDGE CLARK: Thank you. Steven Dyer?

21 MARJORIE DYER: Working.

22 LAW JUDGE CLARK: Steven Bell?

23 UNIDENTIFIED MALE: Out of town.

24 LAW JUDGE CLARK: Thank you. Susan
25 Bracken?

1 SUSAN BRACKEN: Here.

2 LAW JUDGE CLARK: Thank you. Teresa
3 Howard?

4 Timothy Allegri I've already heard from.
5 Victor Butner.

6 TIMOTHY ALLEGRI: He's at work.

7 LAW JUDGE CLARK: And Walter Dyer.

8 MARJORIE DYER: Working.

9 LAW JUDGE CLARK: Thank you very much.
10 Hopefully we won't have to go through that again, but
11 as I indicated, because decisions are being made, I
12 want a record of everybody that's here. I had issued
13 a -- an order for staff to coordinate with the parties
14 to submit a proposed procedural schedule with an
15 evidentiary hearing date. Staff had responded back
16 that due to the numerosity of the parties that was not
17 a practical solution, and staff had requested that I
18 hold a procedural conference prior to the 7th for the
19 purpose of setting a procedural schedule and an
20 evidentiary hearing date, so that's what we are going
21 to do today. Today's purely procedural. I'm not
22 hearing any substantive arguments in regard to any
23 measure of this case at this point. So we're just
24 going to pick dates for a evidentiary hearing and pick
25 some dates between those as deadlines for various

1 legal points to have to -- that have to occur during
2 that time.

3 Did either -- did staff have an inkling as
4 when it would be most practical at this point to hold
5 an evidentiary hearing?

6 MS. SCURLOCK: So Your Honor, I was looking
7 at the calendar, and I spoke with Mr. Fischer this
8 morning regarding my -- my proposed dates. We did
9 kind of want to verify what the commission would like
10 to see on this procedural schedule. We did not
11 contemplate the filing of testimony just due to the
12 number of parties and -- and it's not standard in --
13 in a complaint case such as this, but we wanted to
14 verify what the commission would like to see.

15 LAW JUDGE CLARK: Okay. Well, that's good.
16 Why don't we start with that.

17 Mr. Fischer, there are two attendance
18 circuit court cases that are running along with this,
19 and those I believe are in Johnson and Lafayette
20 Counties; is that correct?

21 MR. FISCHER: Yes, that's my understanding,
22 Judge.

23 LAW JUDGE CLARK: And those dates, I have
24 been loosely tracking the -- the last appearances at
25 those were continued; is that correct?

1 MR. FISCHER: That's my understanding as
2 well.

3 LAW JUDGE CLARK: Do you know when they
4 were continued to?

5 MR. FISCHER: It's my understanding
6 they're -- there was a hearing on a motion to dismiss
7 and for discovery in Lafayette County on
8 December 19th, and it's my understanding in Johnson
9 County, there is a motion for a hearing on a motion to
10 dismiss and discovery for January 11th, and then also
11 in Lafayette County, I believe there's a tentative
12 initial hearing on January the 19th. That's what I've
13 been told. I'm not personally involved in those, but
14 that's what I understand.

15 LAW JUDGE CLARK: That is fine. That is --
16 that gives me the kind of heads up.

17 Would -- would Evergy be ready to go to a
18 hearing in mid to late January?

19 MR. FISCHER: Yes, Judge. We have a number
20 of hearings in January, but staff counsel and I have
21 talked about the week of January 22nd through the
22 26th. Those dates would be available. They're
23 squeezed between two other Evergy hearings, but I
24 think we can make that work, if that would work with
25 the other parties. And I -- I don't know -- we've

1 been talking, too, about the possibility of people
2 being allowed to write something in writing to put
3 their position in so that everybody understands where
4 they're coming from. Not formal testimony like you
5 might have, but maybe just a statement of -- of where
6 everybody's concerns are. That would be helpful for
7 us to prepare for the hearing.

8 LAW JUDGE CLARK: Okay. Mr. Allegri, I'm
9 going to kind of direct my questions to you. It seems
10 like you have a large number of people present for
11 you. Would -- would the week of the 22nd of January
12 work for a -- an -- how many days do we think this
13 evidentiary would run? Could this be a one-day
14 hearing?

15 MR. FISCHER: I would expect only one day,
16 Judge, but.

17 MS. SCURLOCK: We could schedule it for two
18 out of an abundance of caution, but I agree. I would
19 think we would wrap it up in one unless some of our --
20 our hesitation, I think, is just -- we're kind of
21 unclear whether the complainants anticipate
22 Mr. Allegri serving as a -- as sort of a
23 representative of their interest or if several of the
24 complainants intend to participate both in, like, the
25 filing of statements and until the hearing itself.

1 LAW JUDGE CLARK: Yeah. And that can make
2 a huge difference if we have 36 people testifying,
3 then, you know, we can go a week or so.

4 MS. SCURLOCK: Exactly. And that's what --
5 that's part of the reason why I asked for this meeting
6 today was to hopefully give everyone an opportunity to
7 be present and to let us know what their intentions
8 are.

9 LAW JUDGE CLARK: Okay. How does
10 everybody -- it seems like for the most part the
11 complainant's interests are reasonably aligned in that
12 they are all -- all of the complaints are alleging the
13 same action. And I will direct this to all the
14 complainants.

15 Mr. Allegri, you can formulate an answer,
16 but if anybody else would like to -- is there any
17 reason that -- that only a few people be -- that more
18 than a few people would be necessary to testify to
19 represent the complainants' interest?

20 TIMOTHY ALLEGRI: If -- if anyone in
21 attendance found something said to be obnoxious or an
22 error, I would hope that they would speak up in a
23 hearing, and if -- with a set -- with it being a
24 hearing in that situation, it's not a procedural
25 schedule setup. I believe the participation, right,

1 would be increased, and as far as you talk about the
2 similarities of the issues, the community has gotten
3 together on a regular basis to discuss this horrible
4 situation that's been presented to us and -- and
5 the -- I know we're not talking about the issues, so.
6 I'll stop that. But the -- what?

7 LAW JUDGE CLARK: I -- I could ignore the
8 adjectives and understand the rest of what's being
9 said. I think that's fine what you've said.

10 TIMOTHY ALLEGRI: Very good.

11 Okay. Well, thank you.

12 And so as far as the date, the -- I believe
13 an earlier date would be most efficient, and I know
14 Evergy has plenty of attorneys to -- that they can
15 really turn stuff around quick. I have never dealt
16 with so many attorneys in my life, so. I believe -- I
17 trust their efficiency. Accuracy is another story,
18 but I trust their efficient is good prior to that.

19 LAW JUDGE CLARK: And I understand that,
20 and if I can do an earlier date, that might make some
21 sense, but there's also -- there's also some --

22 TIMOTHY ALLEGRI: Okay.

23 LAW JUDGE CLARK: -- discovery that needs
24 to occur in the meantime. You can ask for the filing
25 of position statements. These things will need to

1 happen prior to, plus the commission's already
2 somewhat stacked procedurally calendar with other
3 hearings, but it sounds like from what you're saying
4 that there -- while it might be sufficient for people
5 to testify, it is possible that more people may want
6 to testify. So in that regard, I would suggest that
7 maybe we set aside three days for a hearing.

8 TIMOTHY ALLEGRI: Okay. You're -- you're
9 the boss. You're the professionals here, so whatever
10 works. I don't anticipate there will be any -- any
11 excessive feedback from the group.

12 LAW JUDGE CLARK: I wouldn't think so, but
13 at the same time I would rather schedule a three-day
14 hearing and have it run one day than schedule a
15 one-day hearing and have to find additional days.

16 TIMOTHY ALLEGRI: Okay.

17 LAW JUDGE CLARK: Because if any of those
18 other days fill up, that could present a problem.

19 MS. SCURLOCK: Just for a point of
20 clarification, Mr. Allegri, what it is, is we would
21 want a list in advance of who intends on being put on
22 the stand to testify, so. That's why we want to
23 anticipate. Someone can certainly say they choose not
24 to go up and say something, but it won't be a
25 situation where at the hearing itself, we necessarily

1 want someone standing up and raising their hand and
2 saying they have something to say. It's a little bit
3 more formal than that.

4 TIMOTHY ALLEGRI: All right.

5 LAW JUDGE CLARK: It's very formal. It's
6 like a court hearing. Or like a trial actually.

7 TIMOTHY ALLEGRI: Everyone seems to
8 understand that present in this facility.

9 LAW JUDGE CLARK: Okay. All right. So are
10 there any objections to -- and I still have to clear
11 these dates with the commission because this is all
12 depending on commission availability. But are there
13 any objections to setting a hearing for the week of
14 the 22nd? I hear no objections.

15 TIMOTHY ALLEGRI: Yeah. At least one of
16 the parties will be out of town, in this room.

17 LAW JUDGE CLARK: Okay. Out of 36, I'll
18 see if -- if that is -- is that someone who is willing
19 to let the rest of the group -- or is that somebody
20 who would like to submit written testimony?

21 TIMOTHY ALLEGRI: He'll speak for himself.
22 Are you -- are you okay with -- he said yes.

23 LAW JUDGE CLARK: Okay.

24 MS. SCURLOCK: Okay.

25 LAW JUDGE CLARK: Thank you very much.

1 That resolves that.

2 Let's talk about, Ms. Scurlock, you had
3 mentioned some sort of position statement from the
4 complainants as well as -- as from Everyg in this
5 case, and I do like -- I do like position statements
6 because they give me a starting point to understand
7 what's going on.

8 Let's set a discovery deadline, and let's
9 set a -- a date for position statements, and I -- it
10 is the commission's -- in these kind of cases
11 Ms. Scurlock is correct. The commission may or may
12 not order pre-filed testimony. I do not want to
13 unnecessarily burden the complainants by making them
14 file pre-filed testimony.

15 Are there any objections to dispensing with
16 pre-filed testimony and doing testimony live at the
17 hearing?

18 MR. FISCHER: Well, Judge, given the number
19 of complainants, we were just hoping to have a little
20 bit of pre-knowledge of what -- what their specific
21 issues were, just a statement of position or some kind
22 of oral written, and if they file a position
23 statement, that might be sufficient, but we were
24 hoping to have something in writing from them before
25 we got to the hearing.

1 LAW JUDGE CLARK: I agree, and I think the
2 position statement is a way of resolving that. So if
3 there is a position statement, you're not in -- you're
4 not objecting to live testimony.

5 MR. FISCHER: No. We can do live testimony
6 if that's what the commission's preference is.

7 LAW JUDGE CLARK: Okay. I'm going to order
8 live testimony.

9 MS. SCURLOCK: We could do --

10 TIMOTHY ALLEGRI: Every will be doing the
11 same thing, I assume?

12 LAW JUDGE CLARK: Yes, they will.

13 TIMOTHY ALLEGRI: Very good.

14 MS. SCURLOCK: Would we like to do position
15 statements, perhaps, on -- maybe January 8th and that
16 gives everybody a couple of weeks to review those?

17 LAW JUDGE CLARK: Now to -- to let
18 everybody know what -- what that is, you can either
19 get together and file them, you can contact staff
20 counsel, is that correct, and they can assist you in
21 filing of the position statements, you can file one or
22 you can file 36. That's -- that's up to you. And
23 basically you can put forth what your position is, as
24 to the various aspects of the case, and what you
25 believe those issues -- that the commission needs to

1 resolve are.

2 January 8th sounds good to me. That would
3 give everybody -- since we're not doing pre-filed
4 testimony, that would give everybody -- Everyg, I
5 would expect you also to file a position statement on
6 January 8th, so that they would -- the other parties
7 would be able to see where you are coming from and
8 appropriately prepare for that.

9 MR. FISCHER: We will do that, sir.

10 LAW JUDGE CLARK: Okay. Any objections to
11 January 8th for position statements? Okay.
12 January 8th.

13 TIMOTHY ALLEGRI: None here.

14 LAW JUDGE CLARK: Thank you, Mr. Allegri.
15 January 8th.

16 MS. SCURLOCK: I'm sorry, Judge, if it
17 would be helpful, I could go ahead and try to prepare
18 a bit of a written explanation of what a statement
19 position might look like and do my best to provide it
20 to all of the -- the complainants ahead of time.

21 LAW JUDGE CLARK: That would be extremely
22 helpful. Thank you for volunteering to do that,
23 Ms. Scurlock.

24 MS. SCURLOCK: Glutton for punishment.

25 LAW JUDGE CLARK: That you are, but thank

1 you very much all the same. So, yes, if you would do
2 that, I would appreciate.

3 Discovery. We're in December, so this
4 would be a very tight discovery deadline. Why don't
5 I, just for the sake of simplicity, make January 8th
6 the discovery cutoff date as well. And I have not
7 asked public counsel.

8 Public counsel, did you want to weigh in on
9 any of this?

10 MR. POSTON: No. Thank you. Sounds good.

11 LAW JUDGE CLARK: Okay. Thank you,
12 Mr. Poston.

13 All right. I -- we have the dates that I
14 think are necessary to this point. Obviously, if
15 discovery issues come up, staff or Everyg can apprise
16 me, and I will have a discovery conference, if
17 necessary. For my part, what I'm going to do is,
18 right now I'm looking at the commission's calendar,
19 and right now it is clear for the 22nd. I don't know
20 what the availability of the commission is. I'll have
21 to look and see if they have any conferences or out of
22 town obligations for that week. I don't believe so
23 right off the top of my head. So I will clear -- I
24 will -- I will clear -- I will see if I can get
25 approval for three consecutive days within that week,

1 and then I will issue a procedural schedule. If for
2 whatever reason that -- that week does not work, I may
3 propose some further dates to the parties either in a
4 order or by setting another procedural conference.
5 But right now I don't anticipate that. I think that
6 that's -- those dates will probably work.

7 Are there any questions for me? From any
8 of the parties?

9 MR. FISCHER: Are you contemplating a
10 hearing in Jefferson City on -- on that week, that --
11 is that what you're thinking?

12 LAW JUDGE CLARK: That is an excellent
13 question. And let's discuss that, and I'm -- I'm glad
14 you brought that to my attention.

15 Having hearings in Jefferson City is
16 convenient in terms of we have a courtroom setup that
17 can handle a number of people, and in terms of
18 evidentiary issues as they come up, it's much easier
19 to address those in person where the discovery is fact
20 filing in hand, you can show it to everybody, and
21 there's no surprises. But Webex, like we're doing
22 right now, is another way of handling it. Webex is
23 very convenient, because then I'm not significantly
24 eating into people's schedule in that they have to get
25 in a car and drive anywhere. They can just appear by

1 Webex. Evidentiary issues become a little more
2 difficult, and with Webex hearings, I like everybody's
3 exhibits to be submitted to the other parties and
4 myself in advance so that I've got those in hand and
5 tactile look at them and hold them, as can any other
6 parties, but that creates a real problem if there's
7 any kind of rebuttal evidence that is offered. But
8 it's easily worked around by allowing time for late
9 file exhibits and objections. So I'm not really as
10 concerned about that. However, this is a complaint,
11 and if I remember right, under the complaint statute
12 at the preference of the parties, the hearing can be
13 held within 30 miles of where service is provided.
14 I'm not sure right off -- we're talking about
15 Lafayette and Johnson Counties, so. We're talking
16 about, I believe, Lexington and Warrensburg, so.
17 Those are both potential places where I can hold a
18 hearing, but I would need to arrange a hearing space,
19 so.

20 With that in mind, what are people's
21 preferences? I'll start with you, Mr. Allegri.

22 TIMOTHY ALLEGRI: It does specify within
23 30 miles, so.

24 LAW JUDGE CLARK: Would your preference be
25 Lexington or Warrensburg?

1 TIMOTHY ALLEGRI: See how the scheduling
2 goes, but that is -- that is where everybody's at, and
3 I understand there's a -- is -- there's a conference
4 call possibility if someone's unavailable to attend in
5 person?

6 LAW JUDGE CLARK: I -- I -- I will do my
7 best to make that available if we're not --

8 TIMOTHY ALLEGRI: Okay.

9 LAW JUDGE CLARK: If we're not in Webex or
10 Jefferson City. The only difficulty I run into is --
11 when -- when we secure a space in -- in Johnson or
12 Lafayette Counties, I'll have to look and see what
13 my -- what my radius is that I can work with. I'm, to
14 an extent, limited by the size of the place and their
15 technical capabilities. I've been out in rural
16 areas --

17 TIMOTHY ALLEGRI: Okay.

18 LAW JUDGE CLARK: -- where there's next to
19 no Internet, and I've been in areas that have much
20 more sophisticated systems than we have. So it all
21 depends on what's available. But you have expressed a
22 desire for an in-person hearing. I'm going to assume
23 that that would be the desire of most of the
24 complainants; is that correct?

25 TIMOTHY ALLEGRI: It is.

1 LAW JUDGE CLARK: Okay. Then I will try --
2 I will see what I can do about arranging -- arranging
3 a location within 30 miles of where service was
4 provided. And like I said, that will probably be, you
5 know, Warrensburg, Lexington, most likely.

6 TIMOTHY ALLEGRI: If you can't find a
7 place, there's a church in the southern part of
8 Higginsville, where we happen to be right now, that
9 would be available.

10 LAW JUDGE CLARK: Okay.

11 TIMOTHY ALLEGRI: It's technically in
12 Johnson County, but it's right in the middle.

13 LAW JUDGE CLARK: I used to practice out in
14 that neck of the woods including in Higginsville, so
15 I'm familiar with that area quite a bit. Thank you
16 very much.

17 My -- my legal assistant is usually pretty
18 good about securing a -- a place. We'll try and
19 secure a place large enough to comfortably seat
20 everyone.

21 All right. Is there anything else that
22 needs to be addressed at this time?

23 Mr. Fischer, I see your lips moving, but
24 you're muted, I believe.

25 MR. FISCHER: Can you hear me now?

1 LAW JUDGE CLARK: I can. Go ahead.

2 MR. FISCHER: I was going to say, if
3 there's not a -- if there's not an area available in
4 that area, how would the complainants feel about a
5 Webex, if they don't want to come to Jefferson City?
6 Or do you have a preference, Judge?

7 LAW JUDGE CLARK: Why don't we -- why don't
8 we start with this, and then if I run into
9 difficulties, we can re-address that.

10 MR. FISCHER: Okay. Fine. Yeah. Thank
11 you.

12 LAW JUDGE CLARK: Okay. All right. Is
13 there anything else that the commission needs to
14 address at this time?

15 MS. SCURLOCK: That's all from staff.

16 LAW JUDGE CLARK: Everygy?

17 MR. FISCHER: That's all. Roger, do you
18 have anything from Kansas City?

19 MR. STEINER: Judge, we did have a -- I
20 can't remember if there's a pending motion to dismiss
21 left. Would that -- would you take that up at hearing
22 or -- I apologize. I know we had filed one late --

23 LAW JUDGE CLARK: Yeah. I remember one
24 being filed. I generally, where there's a hearing,
25 take those with the case, but I will -- I will go

1 ahead and take another look at that and see if there's
2 a reason I believe it needs to be addressed earlier.

3 MR. STEINER: Okay.

4 LAW JUDGE CLARK: And if that's the case,
5 then -- then I may set a time for argument on that.

6 MR. STEINER: Thank you, Judge.

7 LAW JUDGE CLARK: Okay. Thank you,
8 Mr. Steiner.

9 I'll ask one more time. Is there any other
10 issues or matters that need to be addressed by the
11 commission at this point? Hearing none, I appreciate
12 everybody showing up, those of you who were able to
13 make it today. Those of you that were not able to
14 make it, I -- those of you that did make it, please
15 let them know what happened and what these dates are.
16 And probably, I would expect, to see an order from me
17 by early next week with a procedural schedule or
18 explaining why a procedural schedule was not set and
19 what needs to occur next. So with that in mind,
20 again, thank you all for your time today. I will
21 adjourn this procedural conference. And we will go
22 off the record. Okay.

23 (Audio ended.)

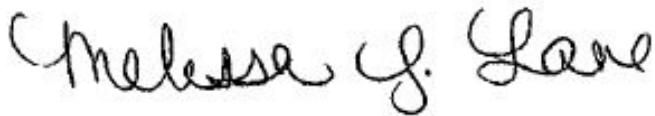
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Melissa J. Lane, CCR, CSR, RPR

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